

Introduced by Senator Pavley

February 9, 2011

An act to amend Section 10295 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 224, as amended, Pavley. ~~Public Contracts~~ *contracts*: Department of Water Resources.

Existing law provides that all contracts entered into by any state agency for goods, services, or other specified activities are void unless and until approved by the Department of General Services. That law exempts certain transactions and contracts from that law, as specified.

This bill would also exempt from that law specified contracts entered into by the Department of Water Resources, but would exclude from that exemption contracts for the sale, delivery, or use of water ~~or power~~ from the State Water Resources Development System *or contracts for the use of the facilities of the State Water Resources Development System*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10295 of the Public Contract Code is
- 2 amended to read:
- 3 10295. (a) All contracts entered into by any state agency for
- 4 (1) the acquisition of goods or elementary school textbooks, (2)

1 services, whether or not the services involve the furnishing or use
2 of goods or are performed by an independent contractor, (3) the
3 construction, alteration, improvement, repair, or maintenance of
4 property, real or personal, or (4) the performance of work or
5 services by the state agency for or in cooperation with any person,
6 or public body, are void unless and until approved by the
7 department. Every contract shall be transmitted with all papers,
8 estimates, and recommendations concerning it to the department
9 and, if approved by the department, shall be effective from the
10 date of the approval.

11 (b) This section applies to any state agency that by general or
12 specific statute is expressly or impliedly authorized to enter into
13 transactions referred to in this section.

14 (c) This section does not apply to any of the following:

15 (1) Any transaction entered into by the Trustees of the California
16 State University, by the Board of Governors of the California
17 Community Colleges, or by a department under the State Contract
18 Act or the California State University Contract Law.

19 (2) Any contract of a type specifically mentioned and authorized
20 to be entered into by the Department of Transportation under
21 Section 14035 or 14035.5 of the Government Code, Sections 99316
22 to 99319, inclusive, of the Public Utilities Code, or the Streets and
23 Highways Code.

24 (3) Any contract entered into by the Department of
25 Transportation that is not funded by money derived by state tax
26 sources but, rather, is funded by money derived from federal or
27 local tax sources.

28 (4) Any contract entered into by the Department of Personnel
29 Administration for state employee benefits, occupational health
30 and safety, training services, or combination thereof.

31 (5) Any contract let by the Legislature.

32 (6) Any contract entered into under the authority of Chapter 4
33 (commencing with Section 11770) of Part 3 of Division 2 of the
34 Insurance Code.

35 (7) Any contract of a type specifically mentioned and authorized
36 to be entered into by the Department of Water Resources under
37 the Water Code, or any contract entered into by the Department
38 of Water Resources that is not funded by money derived from state
39 tax sources, but rather, is funded by money derived from federal
40 and local sources. This paragraph does not apply to ~~contracts for~~

1 ~~the sale, delivery, or use of water or power from the State Water~~
2 ~~Resources Development System. either of the following:~~
3 (A) *Contracts for the sale, delivery, or use of water from the*
4 *State Water Resources Development System.*
5 (B) *Contracts for the use of the facilities of the State Water*
6 *Resources Development System.*

7
8
9 CORRECTIONS: _____

10 Text—Pages 2 and 3.
11 _____

O